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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,909	03/07/2005	Alister Peter Reid	CPAGE.00010	7860
22858	7590	10/11/2006	EXAMINER	
CARSTENS & CAHOON, LLP			COULTER, ANDREA	
P O BOX 802334			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			3634	

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/526,909

Applicant(s)

REID, ALISTER PETER

Examiner

Andrea L. Coulter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/25/05 &amp; 5/9/05</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed February 22, 2005 has been placed in the application file, but the patent application GB 0519073.1 referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18, 34 and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Page 12 of the specification describes how the latch mechanism is to be actuated, but it is still not readily apparent to the examiner how the latch is intended to be disabled. The drawings show no way of moving the latch. How is the latch to be depressed? Into what aperture or recess is it to move? Where is the biasing element mentioned in the specification? Where do the actuating arms attach to the latch? How do they retract the latch mechanism? How do they release the latch mechanism?

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elements that actuate the latch must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19 and 26-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Deighton (US 5,791,172). Deighton discloses a key 74 that could be adapted to be fitted to a pet collar. The key has a window that is substantially transparent to infrared radiation and contains an infrared radiation transmitter, a control circuit and a battery, as described in column 4 of the specification. The key housing, shown in figure 8, includes a handle with an opening to receive a suspension element therethrough. The key is adapted to be suspended by the handle at an angle, can be adapted to fix a rigid suspension element at a selected angle, and sends out an infrared beam with a beam axis at an angle. The key hangs under its own weight. The control circuit is adapted to cause periodic transmission of a coded infrared signal from the infrared radiation transmitter

The reference thus reads on the claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9, 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Cerda (US 5,992,096) in view of Harris (US 4,893,952).

De La Cerda discloses a pet door comprising a pivotably mounted flap 8, a latch mechanism (18 and 20) that can bar the flap from moving in both directions, and a control mechanism (12, 22 and 27) for disabling the latch mechanism. The latch mechanism is located between the front and back sides of the flap, so that the latch does not extend out either way. The control mechanism is located above the door flap on one side, as are the electrical components of the control system. The pet wears a key 24 that emits a signal that unlatches the flap.

De La Cerda fails to disclose the control mechanism as being an infrared radiation detector. However, Harris teaches using an infrared radiation detector 10 to determine whether something has approached a door. The infrared radiation detector is located above the door, depends downwardly into an upper edge of the opening, has a conical infrared radiation receiving zone "A" with a beam angle of 60 degrees.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the pet door of De La Cerda with the infrared radiation detector of Harris, because an infrared radiation detector has an interchangeable purpose with a motion detector. It would be further obvious to mount the electrical components of the control system and the infrared radiation detector to a common circuit board, since both system and detector are located in the same place.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over De La Cerda in view of Harris, and further in view of Kornbrekke (US 4,698,937). All of the elements of the instant application are discussed above except that De La Cerda fails to disclose the beam angle. However, Kornbrekke teaches an infrared beam angle of 80 degrees, which is about 90 degrees. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the pet door of De La Cerda in view of Harris with the beam angle of Kornbrekke, since the wide angle provides a receiving zone wide enough to interact with any infrared transmission in the area.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over De La Cerda in view of Harris, and further in view of Miconi (US 5,946,855). All of the elements of the instant application are discussed above except that De La Cerda fails to disclose that the control system includes an actuator motor. However, Miconi teaches using an actuator motor 66 to operate a pet door 50. The motor is activated by an infrared sensor 68. It would be obvious to one of ordinary skill in the art at the time of the invention to provide the pet door of De La Cerda with the actuator motor of Miconi, since motors provide a reliable way to operate doors.

Claims 12-14 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Cerda in view of Harris, and further in view of Engle (US application 2002/0110373). All of the elements of the instant application are discussed above except that De La Cerda fails to disclose an attenuating device for ambient infrared

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radiation. However, Engle teaches using a filter 35 made of an infrared absorbing material to permit transmission therethrough of only a selected range of wavelengths. It would be obvious to one of ordinary skill in the art at the time of the invention to provide the pet door of De La Cerda with the attenuating device of Engle, since without an attenuating device the pet door might open due to ambient radiation when the pet is not even present, which would leave the door open to other animals or intruders.

Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over De La Cerda in view of Harris, and further in view of Green (US 4,776,133). All of the elements of the instant application are discussed above except that De La Cerda fails to disclose the pet flap being substantially transparent to infrared radiation. However, Green teaches using a clear pet flap 14 in a pet door. It would be obvious to one of ordinary skill in the art at the time of the invention to provide the pet door of De La Cerda with the clear flap of Green, since a substantially transparent flap allows infrared radiation to pass through and be received by an infrared radiation detector.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over De La Cerda in view of Harris, and further in view of Green and Miconi. All of the elements of the instant application are discussed above.

Claims 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deighton in view of De La Cerda. All of the elements of the instant application are discussed above except that Deighton does not specify that the key depends



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downwardly from a pet collar or the beam angle of the infrared transmission. However, De La Cerda teaches using a key on a pet collar, shown in Figure 5, and also teaches a beam angle of 60 degrees. It would be obvious to one of ordinary skill in the art at the time of the invention to provide the key of Deighton with the pet collar and beam angle of De La Cerda, since the pet collar is a secure, easy way to attach the key to a pet, and since a 60 degree angle provides a wide transmission area to lessen the chance that the pet will not be standing in the correct location to interact with the infrared receiver.

Claims 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deighton in view of De La Cerda and further in view of Harris. All of the elements of the instant application are discussed above.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deighton in view of Kornbrekke (US 4,565,029). All of the elements of the instant application are discussed above except that Deighton fails to disclose the beam angle's total angular extent. However, Kornbrekke teaches an angular extent of 20 degrees, which is about 24 degrees. It would be obvious to one of ordinary skill in the art at the time of the invention to provide the key of Deighton with the beam angle of Kornbrekke, since a small angle allows the key to interact with the receiver only when intended to; it keeps the pet door from opening whenever the pet is just walking nearby.

The references thus read on the claims.

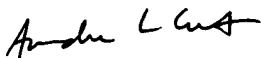
**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reid (US 6,141,911) discloses a pet door similar to the one disclosed in the instant application. Paul (US 4,421,058) discloses a pet door with a latch that can bar the flap from one or both sides.

Any inquiry concerning this communication should be directed to Andrea L. Coulter, telephone number (571) 272-1679. The examiner can be reached M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571)272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Andrea L. Coulter  
Patent Examiner



Jerry Redman  
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